999

The Police Magazine.

Vol. I] SEPTEMBER 1921. [No. 3.

CONTENTS.

	PAGE NO.
Sub-Inspectors' Special Conference—Editor.	64—78
Breaches of the [illegible] and how to Prevent them—Edit[illegible]	78—79
Cross Examinations of Witnesses.—C. M. Desikachariar	80—81
The Sacrifice That Failed—I (A Story of Crime) —K. Ramanujan	81—84
Man and Superman—Swami Yoganath ...	84—87
The Kallars of Madura—Publicity Bureau	88—93
The Police Clubs—H. G. Ramachandra Rao.	94—96
PART II.	
Report of Decided Cases	9—16

Edited and Published by T. K. Sundara Iyer,
under the authority of the
Madras Police S. I's. Central Association, Vellore.—1921.

VICTORIA PRESS:—VELLORE.

SHUNMUGAM SNUFF

REPUTED FOR OVER 70 YEARS FOR QUALITY

12 Tolas 13 Annas. **24 Tolas Rs. 1-6-0**

(ALL CHARGES INCLUDING)

Shunmugam Snuff Co., Limited.

BOX No. 140, MADRAS.

You will forget to Die,
You will cease to Cry,
If you will only Try,
Mr. Doodle's Weekly !

SUBSCRIBE AT ONCE FOR

MR. DOODLE'S WEEKLY,

Because,

1. It is the most humorous Weekly.
2. It has new and funny Cartoons every week.
3. It is absolutely non-party.
4. It spares none ; it wounds none ; and all like it.
5. It is the best companion at Home, for Clubs and Journey,
6. It is loved by the refined, by the cultured and by the Stylish.

ORDER AT ONCE FROM

THE MANAGER,

"Mr. DOODLE'S WEEKLY,"

Specimen Copy : Free. **MADRAS.**

Subscription : Yearly Rs. 6 ; .... Half Yearly 3-4 ; .... Quarterly 1-12.

The Police Magazine.

Published under the Authority of the Madras Police Sub-Inspectors' Central Association, Vellore.

MOTTO

Vestigia Nulla Retrorsum.

Vol. I.] SEPTEMBER 1921. [No. 3.

The Madras Police Sub-Inspectors' Special Conference.

In publishing elsewhere in the colums of this issue the proceedings of the special Conference of the Sub-Inspectors of Police, of the Madras Presidency, held on 4-9-1921, we have the pleasure to draw the attention of our readers to a few salient features of this special sessions.

It augurs well for the Madras Police Sub-Inspectors' Central Association, to have secured the presence of that most distinguished Police officer, Dewan Bahadur M. R. Ry. P. Parankusam Naidu Garoo, I. S. O, the first Indian who officiated as Commissioner of Police, Madras City, to guide the deliberations of the Special Conference as has been adequately referred to in the Welcome Address of the Chairman of the Reception Committee.

The President elect was received at the Katpadi Railway Station by the Chairman and the Secretary of the Reception Committee and garlanded. The Dewan Bahadur then motored to his temporary residence at Vellore. Punctually at 1-30 P. M. the President arrived at the Latchmanasawmy Town Hall and was received at the main entrance to the accompaniment of band by all present and conducted to the dais. The audience though not very large was thoroughly representative and the delegates present evinced a very lively interest in the proceedings.

The Chairman of the Reception Committee having read his Welcome Address, and after the usual election, the President took the chair amidst the

most enthusiastic applause and cheering of the audience. The President was garlanded after which he delivered his Presidential address, printed elsewhere in this issue as a part of the proceedings of the Special Conference. The draft Resolutions were discussed at some length and passed. The conference terminated at about 5. P. M. after the Presidents' concluding remarks and advice to the Sub-Inspectors.

A special Tea Party was given in honor of the distinguished guest and every one present was treated to light refreshments. The whole party retired at about 7 P. M. and the President left for Madras the same night. The Conference was on the whole a splendid success.

The Welcome-Address of the Chairman of the Reception Committee is an excellant *resume* of the several pressing needs of Sub Inspectors. The address delivered by the President is very remarkable in more ways than one and bears the seal of the President's ripe experience and quick grasp of the whole situation. That it was listened to with rapt attention and great care throughout its delivery, a thing not at all common with Presidential addresses, will speak for itself. What generally keeps the audience spell—bound and what renders even a most noisy and disorderly audience quiet and at once orderly our readers know only too well to need mention here. The subject matter of the speech is so plainly put in a nutshell as to leave no doubt in the minds of any about what the President as spokesman of the Police Sub-Inspectors was expected to represent. Another praiseworthy feature of it is the entire absence of any allusion to the so-called Brahman and Non-Brahman spirit. Almost the whole of the Sub-Inspectors of the Madras Police were one with him in this respect and the Dewan Bahadur was not a litte pleased with the Sub-Inspectors for the same which he expressed in no unmistakable language and congratulated them on this very healthy out-look which their Association presented to him. Those who hold the interests of our Sub-Inspectors of Police dearest to their hearts have every reason to be proud of this Special Session where business was conducted irrespective of communal wishes and interests. The thoughts and feelings that agitate the minds of our young friends are of the more immediate and practical importance to them as a body.

We are glad we had an opportunity of observing everything of this Special Conference this time. From what we have seen we feel proud to offer our very hearty congratulations to our lofty - minded young friends and we sincerely wish that they will maintain the same healthy qualities as energy, enthusiasm, love of loyalty, devotion to duty, desire to make friends and such other qualities as are characteristic of ideal young men. One has a tendency to exhaust the whole vocabulary of moral ideals when it comes to a matter of exhorting young men.

There is not the least doubt that this special session was a complete success and the gentleman who crowned it with success was no other than its distinguished President, Dewan Bahadur Parankusam Naidu Garoo, who has

thereby placed the Association under a very deep debt of gratitude and well might those who had the wisdom of electing him to that position of honor and trust congratulate themselves on the wisdom of their choice. We heartily congratulate the President, the Secretary and the Managing Committee members of the Association on their well merited success.

We will be failing in our duty if we omit to mention the important office-bearers of the Association, before conclusion. Mr. Arogyanatham Pillay, a Sub-Inspector of Police is the President, Mr. Kanthimanatha Pillay, another Sub-Inspector, Vice-President and Mr. Sivaprakasa Mudaliyar, Prosecuting Sub-Inspector of Police is the Secretary of the Association. The affairs of this body are under the immediate guidance and control of the President and his qualities of head and heart richly entitle him to that position of honor and trust. A better selection is impossible and the affairs of the Association are quite safe under his control and guidance. The lively interest he evinces in matters connected with the Association cannot be excelled and he really commands the respect and confidenee of all the members. The Secretary, the organizer of the Association is an enthusiast in his work endowed with indefatigable energy and dash and he has very considerable police experienee to his credit. The fact that he took long leave to work for the Association which means a great deal of sacrifice of his health, purse and time will speak for itself. The coming into existence of this Association is in no small measure due to the Secretary's organising capacity. As will be evident from what we said above this is the only Association, perhaps, which is self-administered and managed and this speaks volumes for the very healthy spirit of co-operation first among the members of the Association and secondly among the office-bearers who run the same. This means and proves, if any thing, their self reliance, self exertion and self reverance. We wish the members of the Association all success and it is our earnest prayer that ere long all the Sub-Inspectors in the Madras Police will become members of this Central Association also and thus work for their own common cause in a constitutional and dignified way which our benign English Government will only be very happy and ready to encourage. This is a brilliant testimony to the *esprit de corps* among the Sub-Inspectors of the Association.

Excellent and very comfortable were the arrangements made by the Secretary for the boarding and lodging of the delegates who had come from the distant districts of the Presidency and very grateful they all felt for the same to the Secretary of the Association.

ADDRESS OF WELCOME BY THE CHAIRMAN OF THE RECEPTION COMMITTEE.

Respected President and Brother Delegates,

On behalf of the Reception Committee, I have very great pleasure in welcoming you to this Special Conference in my capacity as Chairman of that

body. In accepting the high honour and responsibility, I thought I was not fit for it and would not be able to serve you to my satisfaction. There are people better fitted to this high office but yet as it was a duty imposed on me by my brothers, and I gladly accepted it with the hope that with the help of the members of the Reception Committee, I would be in a position to do justice to the choice and I therefore very warmly and sincerely welcome you in our midst. We are aware of the inconveniences which you have so kindly borne with pleasure and we thank you in unmistakable terms for honouring us with your kind presence. I may be excused if I say that the Reception Committee would crave special indulgence at your hands if it has not risen equal to the occasion in the matter of hospitality and convenience as might be expected of us.

Gentlemen, you all know how important it is to have a gentleman to guide our deliberations with his sound advice and mature judgment, and while we were in search of such a gentleman, the Almighty who is ever ready to help his devotees with his timely suggestions came to our rescue and pointed out to us such a worthy gentleman in M. R. Ry. Dewan Bahdur P. Parankusam Naidu Garu, I.S.O., who but recently retired from service after a brilliant career in the Police Department. I need hardly say that we are proud to have in our midst the first Indian who acted as Deputy Inspector-General of Police; by his age, experience, and by his successful career in the department in various capacities, having won the approbation of the Government and enjoying the confidence of both the public and the Government, he is best fitted to preside over and guide the deliberations of this special session of our Conference. He complied with our request inspite of his other engagements and with much inconvenience and hardship has come all the way from Madras and this clearly shows the interest he evinces in our welfare. We thank you, sir, most sincerely for the honour done to us in accepting our invitation, and I believe that under your sole guidance and sound advice we will have a very successful session.

It is hardly necessary for me to convince you of the importance of this session, but still I would explain briefly some of the vital issues which necessitated the holding of this session so soon after the recent conference held in February last. But before I do so, I consider it very important to draw your special attention to the fact that suspicion is entertained in certain quarters as to the objects of our Association and Conferences, and I wish to take this opportunity of removing such suspicions by explaining that our deliberations are strictly loyal in nature and not calculated to embarrass the Government or Police Administration in any way; on the other hand we have an avowed policy to help the administration in its work and make the Madras Police the ideal police in India and to raise its status above all other departments of public service, in view of the fact, that police service is the noblest of all public services.

The most important and urgent question relates to the pay and emoluments of Sub-Inspectors which, according to the recent announcement by the Government in the matter of the scale of pay to this class of Police Officers, is

both inadequate and discouraging. It is obvious that this announcement has caused deep discontent among the Sub-Inspectors especially when Sub-Assistent Surgeons and Forest Range Officers who were getting Rs. 35 and 50 to start with under the old scale of pay are given a time-scale of Rs. 75—200 and Rs. 80—200 respectively, and when Sub-Inspectors who were getting Rs. 50-100 are given now a time-scale of Rs· 50—125, without past service. It is most unfortunate that our representations, the evidence of the Secretary of the Central Association before the Salaries Emergency Committee,the considered opinion of the severel district police officers, and above all the very generous remarks of His Excellency the Governor, during His Excellency's visit to Vellore in 1921 appear to have not been respected while formulating a scheme for revising the pay of Sub-Inspectors in particular. The preservation of peace and order in these troublous days, the allaying of the feelings of the people aroused by the political agitators who have been initrumental in creating disruption between the Government and the governed., the very arduous work of this class of officers under extraordinary circumstances and the risk which these people have to run in the discharge of their duties all these have not been given the consideration they deserve while the scheme was given a shape by the Hon'ble Mr· Knapp or in the subsequent discussion on the matter by the Salaries Committee, the Emergency Committee and the Madras Legislativee Council in its last sessions.

All the same, we have to manfully combat with the present political storm and concentrate all our attention upon this important point and we have to keep pace with the times which are ever changing. Our most innocent acts however good-intentioned and honest are most uncharitably viewed, found fault with and cried down without rhyme or reason. We are confronted with difficulties rendering our position unenviable, and yet we have to face them calmly, patiently and resolutely. Responsibility of maintaining peace and order in this presidency lies heavily on our shoulders and on those of our subordinates unlike other departments who add to our work by strikes ete. We have manfully to contend with the most trying situations and to swallow hot abuse and if necessary to sacrifice most cheerfully our lives for the good of the country and the Government in order to save our presidency from chaos, and I assure you, gentlemen, that by our continued loyalty our officers and the benign Government will never neglect to patronise us and promote our cause. I have every reason to think that our genuine complaints will certainly fall on willing ears and it will not be long before our grievances are once for all satisfactorily redressed With this certainty, we have to find a remedy for removing the discontent caused by the recent announcement and I think that a reconsideration of the scheme in the light of the above potential foatures and on the lines to be discussed in the present sessions will be the only safe, and sane course. In so doing the pay of the Sub-Inspector, should be revised on a satisfactory basis, previous service being counted for arriving at the present scale of pay to be fixed for each Sub-Inspector with retrospective effect from 1st December 1919 as was granted to the gazetted services.

In these days of trouble and agitation it is very necessary that Sub-Inspectors who are the men on the spot and who are the first targets for mischief mongers, have to be supplied with revolvers by the Government free of cost, in view of the risks involved in combating the present situation.

Lord Curzon's Police Commission of 1903 clearly laid down that there should be one rule governing the police in various provinces, and that there should be no distinction in the rank and file, pay and emoluments and in rules and regulations excepting under limited or special conditions. Previous to this (Lord Curzon's Commission), unnecessary distinctions existed in the several provinces of India and Lord Curzon's Commission sought to undo them. The recent schemes of pay etc., in the various provinces have practically made the report of the Commission a dead letter. Therefore it stands to reason why the Subordinate Police Department be allowed to remain Provincial, while the Post and Telegraph Departments are Imperial, and the necessity for making the subordinate polibe Imperial has become all the more evident. By making the subordiuate police Imperial, the status of the police officers will be the same throughout the length and breadth of the Indian Empire and there will, I believe, be little cause for anxiety or complaint in any quarter in the matter of pay and emoluments.

I now pass on to the next important question of forming Unions for the Head Constables and Constables. There are some Unions, isolated though they are, in certain districts and in Madras City entirely controlled by themselves. But, as the interests of the Sub-Inspectors are intertwined in almost everything, it is highly desirable that we take up the responsibility of guiding and controlling there unions there by bringing about mutual co-operation. Though separate organisations are recommended, yet I believe all will be one in thinking that the Central Association of the Sub-Inspectors will be the controlling institution for these Unions whether Central, District or Circle in which such Unions are formed. By having the complete control over the formation and business of these associations, we will be in a position to bring out the much needed efficiency in police service.

One other question that demands our immediate attention is the publication of the Police Magazine copies of the first No. of which will be distributed today by our revered President. It is imperative that every Sub-Inspector should subscribe to the Magazine without exception so as to make it self-supporting as it will be the mouth-piece of our Central Association. They should also occassionally contribute articles worth publishing and thereby bring about the practical utility of the Magazine to a high pitch. It is through the help of this Magazine that the working of our Association is bound to be successful as it will cement our union and make us ideal police officers.

Before I conclude, gentlemen, I think I will be doing a disservice if I do not bring to your notice that some of our brother Sub-Inspectors are either afraid of forming or joining Associations out of fear for their superior officers or

are of opinion that Associations will be of no use and it is to them I very passionately appeal that they should dispel such fears or opinions from their minds as then alone they can enhance the value and strength of our Associations for the benefit of all concerned without thinking of individual advantages. In fine, I take this opportunity of reminding my brothers that it is very necessary that every one of them should become a Member of his District Association and thereby help in the successful working of the Central Association. In this connection, I wish to emphasise that we sincerely thank the Government for having afforded to us an opportunity of meeting in such large numbers and discussing vital questions and we feel sure that district police officers also will ere long follow suit and realise their responsibility in the matter.

In conclusion, I thank you once again most sincerely and apologise for trying your patience so long as I find you are anxious to hear our worthy President.

V. GOPALA AIYAR.

PRESIDENTIAL ADDRESS.

My young friends and gentlemen,

Allow me at the outset to express my heartfelt thanks for the honour you have done me in asking me to preside over this conference, and for the cordial welcome you have so kindly extended to me. When I first received your invitation, I had half a mind to decline the offer as I felt you would have done better to choose one from among yourselves to conduct the deliberations as you had done at the last conference, but if I eventually agreed to attend this conference and be with you during the proceedings, it is because of my deep and abiding interest in all that concerns your welfare and fair name.

Before we take up the consideration of the important subjects on the agenda, I would refer to the untimely and unexpected demise of the late Inspector-General, Mr. P. B. Thomas C. I. E. It is exceedingly sad that he died when about preparing to return to India to resume his office. I propose with your permission to convey our sincere condolences to Mrs. Thomas in her sad bereavement and I ask you all to carry this proposition standing as a token of our respect for the late lamented Inspector-General.

It is a matter of great interest to me as it would be to every well wisher of the force that you should have assembled here with a view to discuss matters which may tend to improve your condition and that of your subordinates and also to cement more closely the mutual relationship between your superiors, yourselves and your subordinates. In these days when people of all classes and ranks, not excluding the officials of other services realise the importance of holding such conferences with the object of promoting their interests, it is only in the fitness of things that you should also make organized and legitimate efforts to improve your condition.

I would avail myself of this opportunity to address a few words of advice and counsel based upon my experience as a police officer for over thirty years. The first and the foremost duty I would impress upon you, is that of prompt, implicit and cheerful obedience to your superiors. In the matter of descipline and obedience to higher authorities you have to set an example to your subordinates. You cannot command obedience from those under you unless you yield ungrudging obedience to those above you. You cannot get a better treatment from those you command than what you give to those that command you.

A word on the virtue of truthfulness will not, I hope, be considered superfluous. Unswerving loyalty to truth is the greatest virtue of a police officer, considering the temptations to which he is exposed to hide the truth. A police officer without a high regard for truth will be a curse to the community. He should care more for the ends of justice rather than for conviction. Perversion of truth may deceive the Magistrate and even the public, but can never secure the approval of one's conscience. I may quote for your information an instance of my experience while I was in the lower ranks of the service several years ago. When I was deputed to investigate a sensational case in which the honesty of an important official was in question, evidence was obtained which more or less implicated him on a serious charge. After proceeding a long way in my investigation, I suddenly came across a document which showed that evidence adduced so far, was suspicious. I at once produced the document before the District Magistrate and admitted to him that the evidence previously obtained by me was unworthy of credit. This conduct on my part raised me in the estimation of that officer and even to this day I remember with gratitude his appreciation of my conduct. Therefore never hesitate to admit your fault when you feel convinced that you are in the wrong. Permit me to draw your attention to the sound advice given by Sir Murray Hammick at this very place to the officers of the Provincial Service :—

"It has always been an accusation against the police of the country that although they may have a strong case, and a good case, they can seldom or never resist patching the case up for the Courts with evidence which is not wholly true. That is an accusation which, as long as it remains with any justification against the police of this country, is a thoroughly damning one."

I would also like to say a word on the subject of honesty. I do not wish to speak to you against the coarser forms of corruption, because I think that these are now of very rare occurrence among the class to which you have the honour to belong. But I do urge you to be particular even in such small matters, as the taking of gifts or receiving of little favours so that you may be above all suspiciou of neglect of duty under an alleged sense of obligation to any one.

It is very essential that there should exist a strong feeling of co-operation between you and your subordinates on the one hand and your superiors on the

other. I am given to understand that such healthy spirit of co-operation appears to be sadly lacking among some classes of officers. Without such mutual good will and trust among yourselves, it would be next to impossible to meet the very grave situation which confronts you at present. I hope that such of your class as are sitting on the fence vacillating and calculating, will gradually join your fold and heartily espouse the good cause which you are striving to promote on your own behalf and that of your subordinates. In this connection, I would invite your attention to the high ideals with which the British India Police Association at Lucknow have started their work. The Executive Committee of that Association, consists of officers of experience and renown of the rank of Inspector and the aims of that Association are doubtless laudable and worthy of being followed. Their motto, honesty, loyalty, sacrifice, fearlessness and duty should be engraved in the mind of every police officer.

It is an excellent idea that your Association should become affiliated with a central body, for it will greatly facilitate exchange of ideas and quick transmission of important information from one Province to another which is highly necessary especially now, when a particular section of the people are bent upon fomenting trouble in different parts of India. A closer intimacy between the various units of the police in India is becoming more imperative and any delay in realising this end, would only place the police force at a great disadvantage. I would like to impress upon you the present political situation in the country, and the consequent responsibilities which you have to realise and face. The movement of non-co-operation which has spread throughout India, requires greater vigilance and circumspection on your part so as to preserve law and order in the country without giving room to complaints from the public. I would also urge that you should never lose your balance and allow yourselves to act with haste and precipitation. Never take action unless you have a strong case against the alleged law breaker. Hasty action on the part of the police might not only make offenders martyrs, but also provoke public censure. This is the time when I would exhort that all members of the police department from the District Superintendent down to the constable should unite as one man without distinction of caste, colour or creed.

Just now I may also warn you of the danger of taking sides on the Brahmin-Non-brahmin controversy. Leave the settlement of the question of communal interests to the politician; it is not for you to fight the battles of the politician. Let no communal hatred or prejudice embitter your mutual relations and affect the harmony among the members of the department.

I may also say one word about loyalty and devotion to duty. I may without fear of contradiction assert that the police force of this Presidency are second to none in their ardent devotion to duty to their country and unflinching loyalty to their King Emperor. We are passing through troublous times, like the rest of the world, which are calculated to put to a severe test your sense of duty, feeling of loyalty and spirit of self sacrifice. You must always

be ever prepared to meet the dangerous situations that may be created by irresponsible sections of the people who without realising the terrible consequences of their mischievous propoganda and taking advantage of the mild policy of the Government, sow seeds of unrest which produce a plentiful crop of riots and rebellions, causing fearful loss of innocent lives and immense destruction of property. In this connection, I cannot but refer to the admirable conduct of the police in Malabar, especially, of those, who bravely laid down their lives in discharging their duties. I am sure that every one of you will display such selfless devotion to duty when confronted with similar situations.

The success of a police officer mostly depends on the confidence which he inspires in the public and the co-operation and support which he secures from them. Therefore, it should be your constant endeavour to win the confidence and good will of the public. You must move freely with the people and as preservers of peace and guardians of their property, you must earn their implict faith and gratitude. Equally important is the question of your relations with your superiors including the District Superintendents. It is highly desirable that you should always strive to win the esteem of your superiors by the honest and efficient discharge of your duties and it is no less desirable that your superiors including the District Superintendents should possess intimate knowledge of yourselves and of your work. A close and watchful supervision of the District Superintendent never fails to improve the character of an indifferent, dishonest subordinate and to stimulate the zeal of an honest official. It this connection I cannot refrain from throwing out a suggestion for the institution of a Police Club at the head-quarters of every District and the importance of such a club for the diffusion of knowledge among several members of the force cannot be overestimated. The usefulness of such clubs has been abundantly proved in the Districts in which they have been already established. Regarding the unions of police officers, I wish to point out the need for a closer association, if not a complete amalgamation of the various unions of the several classes of officers in the Police Department. Their present state of isolation and detachment, is likely to give room for misunderstandings and misgivings which can be averted by a closer connection among these diverse unions. A loser integration of these unions will promote a sense of common interest and responsibility and lessen the friction among the different classes of the force.

You have touched npou the subject of the necessity of Sub-Inspectors being armed with revolvers. It is quite desirable that in the changed conditions of the country, every Sub-Inspector should be properly armed. The importance of this question was keenly felt in the Madras City during the time of looting with the result that Mr. Armitage addressed the Government and obtained their sanction to provide all the Sub-Inspectors in the City with revolvers and ammunition. There is therefore no reason why a mofussal Sub-Inspector who is exposed to similar dangers, be not armed with a revolver and ammunition, for self defence and enforcing law and order. Instances are not wanting of Sub-Inspectors having had to open fire with rifles borrowed from constables in

critical situations. I am sure that the Government will not deny to you this reasonable request.

Coming to the question of enhancement of your salaries, an equal treatment with the City Sub-Inspector in the matter of pay is, by no means unreasonable and it is to be hoped that the Government may be pleased to grant your request ere long, the more so, because you are the backbone of the whole force and are primarly responsible for the preservation of law and order and protection of life and property.

I have not the least doubt, that under the sympathetic care of His Excellency Lord Willingdon the interests of the police department will be neglected. The police owe His Excellency a deep debt of gratitude for his support and patronage to them which, it is to be trusted, will continue unabated in the future. From my personal experience I can testify to the generous solicitude of His Excellency for the well being of the police and his kindness and readiness to better their condition. As an instance of His Excellency's sympathy for the police, I may tell you that when, as Acting Commissioner, I approached His Excellency with a proposal to increase the salary of the City constabulary, His Excellency with great readiness and kindness sanctioned an increase of salary not only for the constables in the City but also for the constabulary throughout the Presidency.

You are also very fortunate in having a very kind and considerate Inspector-General in Mr. Armitage. I was intimately connected with him for several years in the City of Madras and from my knowledge of him, I can assure you that your interests will be safe in his hands and that he will carefully look into and redress your grievances as far as it lies in his power.

I would like to refer, in passing, to the Police Magazine, a monthly journal which you have started from this month, the first copy of which I have now the privilege to distribute to you all. The utility of a journal of this kind needs no proof. Suffice it to say that this journal has long been a desideratum, as it will afford facilities of communicating intelligence of the Presidency and publishing cases of interest and importance in which the police have to surmount difficulties. It may also prove useful to investigating officers to discover their shortcomings or defects in their ordinary duties. This journal cannot be run with success unless one and all of you co-operate and contribute your mite for its upkeep. I congratulate you on having secured the services of Mr. T. K. Sundara Aiyar the well known and capable Editor of the old Illustrated Criminal Investigation and Law Digest, which received the approbation of no less personages than Sir Murray Hammick and Sir Harold Stuart. I wish you all and the Editor every good luck and success and hope that the Police Magazine will flourish under Divine grace.

We are looking forward with great pleasure and eagerness to the approaching visit of His Royal Highness the Prince of Wales, and I congratulate you on your good fortune in having this opportunity to show your deep devotion to the Crown and the person of the Heir apparent to the throne of England and India.

This splendid speech was listened to with rapt attention, and after the President resumed his seat amidst repeated applause, the following Resolutions were moved and adopted after very lively discussion :—

RESOLUTIONS.

(1) This Conference conveys its sincere condolence to Mrs. P. B. Thomas in her Sad bereavement owing to the untimely and unexpected demise of her husband Mr. P. B. Thomas C. I. E. late Inspector General of Police.

(2) This Conference expresses its heartfelt sorrow for the Police officers who fell victims in the recent Moplah rising in Malabar and sympathy for their bereaved families.

(3) This Conference feels its keen disappointment at the recent scale of pay sanctioned for the Sub-Inspectors viz 65-3-110 and Rs. 115-5-125 and respectfully prays that the same be raised to Rs. 100-5-150, Rs. 150-10-200, with retrospective effect from 1919, for the same reason which led the Government to sanction a similar scale of pay to the Deputy Tahsildars, who are, according to the Police commission, of equal status with the Sub-Inspectors of Police.

N. B. The President expressed his opinion that the pay of the Mofussil Sub-Inspectors may be raised to that of the City Sub-Inspectors of Police and the latter be given a duty allowance.

(4) This Conference strongly desires that immediate effect be given to the recent G. O. regarding the increased house rent to the Sub-Inspectors, so that the Sub-Inspectors may draw the actual rent paid by them subject to the maximum of Rs. 25 per mensem.

(5) This Conference urges the necessity for an allowance of Rs. 40 or in the alternative, a free supply of uniform as in the case of sergeants who draw similar pay.

(6) This Conference regrets the system of direct recrintment to the Inspector's grade, which though discontinued for good reasons some 10 years ago, has been revived without sufficient reason, thus practically denying to the Sub-Inspectors even the few existing oppurtunities for promotion. The unfairness and injustice involved in direct recruitment of Inspectors is rendered more apparent when the educational qualifications of the eligible Sub-

Inspectors and their long service are ignored in favour of men of lesser qualifications which causes great discontent among Sub-Inspectors. This Conference prays that this system may at once be discontinued.

(7) This Conference urges the great need for the supply of revolvers to all the Sub-Inspectors at once, considering the present situation, and also requests the continuance of the temporary exemption hitherto granted to them under the Arms act.

(8) This Conference resolves to request the Government to exempt the Sub-Inspectors from the operations of the New Municipalities Act with regard to the payment of taxes on their vehicles and horses, a concession which they have enjoyed until recently.

(9) This Conference urges that a conveyance allowance of Rs 25 be given in all cases in lieu of the present allowance of Rs. 15 and also to extend the same concession to the Sub-Inspectors attached to the Central Recruit Schools and the Short hand Bureau at the Police Training School, Vellore. The conference further requests that the Cycle allowance of Rs. 5 be raised to Rs. 10

(10) This Conference resolves that the Inspector General of Police be requested to permit a deputation of the Sub-Inspectors to wait on him during his next visit to Vellore to represent their grievances.

(11) This conference begs to express its deep and abiding sense of loyalty and heart-felt devotion to His Majesty the King Emperor and to the British Government.

(12) This Conference begs to extend a hearty welcome to his Royal Highness the Prince of Wales in his approaching visit to India.

Resolutions 1 and 2 were put from the Chair and were unanimously carried, the whole audience standing.

P. PARANKUSAM,
President.

Then Mr. H. G. Ramachandra Rao, proposed on behalf of the Association a hearty vote of thanks to the President for the kind manner in which he condescended to preside over the deliberations of the Sub-Inspector's Conference and for the solid golden advice given. This was carried amidst lusty cheers by the whole Assembly.

The President then stood up and delivered his concluding speech which was listened to with rapt attention.

PRESIDENT'S CONCLUDING SPEECH.

Friends :—

As I told you already, I hope all of you will co-operate and make this Sub-Inspectors' Association a success ; not only that, I will have to repeat once more, that this Police Magazine has been started under the auspices of your Association and you have been able to secure the services of Mr. Sundara Ayar. I know Mr. Ayar for several years and I can testify as to his ability to carry on the journal with much capability and you may rest assured that there will be nothing wanting on his part to make this, your monthly journal, a success. Officers like Sir Harold Stuartand Sir Murray Hammick, have spoken highly of him. The next thing I would impress upon your mind is the financial question. Unless the financial condition is improved there is a likelihood of your magazine coming to a crash, the more so, as I find that there is some kind of misunderstanding among the officers, among several classes of officers, so much as at times to throw some obstacles in the way of the issue of this magazine. If you want to make it a success, if you want that this is to be so successful, every one of you must impress upon yourselves that you should subscribe to it to make the financial position of the Association a success. Before I distribute the magazine to you, I would like to express a word of thanks to all of you, and to the Editor because the 3rd article in the magazine, is, I see, concerned with something about me. It is very kind of you that you should have recognised my services to have them published in your magazine. It is with pleasure and pride I distribute this magazine to you all, and I do not think I deserve so much encomium from you as I have done nothing special to deserve your approbation. One thing however I can assure you of : You need not be afraid that an Indian Officer of the Provincial service who rose from the ranks has been a failure in an appointment to which he was pitchforked. I can without fear of contradiction assure you that I have left behind me a history of which you need not be ashamed (hear, hear) When I was appointed as the Deputy Commissioner of the Madras City, there was murmuring among the European community that that appointment was reserved for Europeans and not for Indians, because Indians would not be able to discharge their duties satisfactorily on account of several European firms which the Deputy Commissioner has to deal with, and of the harbour which is the halting abode; or rather a place where all foreigners had to be met. But I was so able to satisfy both the officers and the public concerned that they were not able to pick any holes in my administration.

I have had the good luck to act for the Commissioner of Police for a period of 7 months and though I was confronted with situations dangerous in character such as children scare, looting and labour strikes and the like, I did not leave things undone which had to be done, so that neither the public nor the Government : could say that an Indian has been tried in an appointment which was not intended for an Indian, and proved a failure.

Therefore, I must once more thank you for your kind reference to me in the first issue of this magazine of yours. I wish you good luck and prosperity and I hope you will get on in the Department very smoothly and peacefully and I also wish that you will get what you want ere long.

(Cheers.)

SOME PRACTICAL SUGGESTION AS REGARDS THE SUPPRESSION OF BREACH OF THE PEACE.

We have only to open the dailies in these days of unrest and we are sure to find under glaring head-lines "Rioting at—" Serious Breach of the Peace in &c. &c. At no time in the annals of India were things so grave and serious as it is now and the responsibilities of the Police for maintaining internal peace and security needs no reiteration here. Every novice in the Police Department knows it. Nevertheless no Police force in the world is so handicapped by legal disabilities as the Indian Police is. The mischief that irresponsible men in the street are doing in this transitional stage of India needs no repetition here. The only preventive measure of law on the subject is to be found in the preventive sections of the Criminal Procedure Code and they are found in practice to be quite inadequate and unworkable also. The only other provision of law which if very tactfully used can prove effective is that provided by Act V of 1861.

It lays down that when it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place or may be reasonably apprehended, and that the Police force ordinarily employed for preserving the peace is not sufficient for its preservation &c, an officer not below the rank of Inspector may apply to the nearest Magistrate to enrol the required number of the residents of the neighbourhood as special Police, officers to assist the Police in the preservation of the peace. This provision of law was found in practice more or less resorted to by the old Police with a view to humiliate, or compel the special Police officers thus appointed to do menial service. In short, they, the old Police, abused their powers with the result that compulsory enrolment had to be resorted to and volunteers for enrolment as special Police officers were not and are not even now forthcoming.

Even at this transitional and critical stage there are always many citizens whose sympathies are with the authorities in their endeavours to preserve the peace and who would glady render every help in their power if opportunity is afforded to them for so doing. These in fact form the majority. If the responsible Police officers should only tactfully work, volunteers for enrolment as special police officers will be forthcoming and compulsory enrolment need not be resorted to. Any way, if good is to result from the employment of special

police, a wise discretion must be exercised in selecting persons for enrolment as Special Police Officers. It is impossible to lay down hard and fast rules in this direction, but the guiding principle should be to select only leading and influential citizens whose authority is recognized and respected by the people of the locality. From this point of view it would also be reasonable to appoint the ringleaders of the respective factions where they exist to be special Police Officers during a time of excitment, as their presence while employed in patrolling the streets or on other duties in matters of watch and ward would show that they are not to use their influence in fomenting the disturbances but only to repress them.

Influential persons of superior social standing should as a rule be employed on supervising duties in higher ranks than others of lower status similarly enrolled. If anything had rendered service in the Police department unpopular in the past it was the high standard of discipline that they were subjected to and to which they are foreign. Hence more than nominal discipline should not be demanded of the persons appointed as special Police Officers. Conditions of the office which might be regarded by local residents as offensive and unnecessarily irksome should not be demanded of them.

Watch and ward duty in the disturbed areas either by themselves or in company with officers of Police of their equal social status and working as intermediaries between rival factions or parties should be the main duties on which they have to be employed. The attitude of Indians towards Police Uniforms is too well known to need mention here and as such all that the special Police Officers are to be asked to wear is some distinguishing badge as circumstances may demand in each case.

We dare say that if the Police should only keep their eyes and ears open and move with the people freely their work in this direction will be rendered easy and breaches of the peace could be averted in time.

EXAMINATION OF WITNESSES IN COURT.

In examining his own witnesses, the prosecutor should endeavour to bring out the testimony in a perfectly natural manner and should refrain from unnecessarily interrupting the witness or suggesting answers by the form of his questions. The effect of the evidence will be greatly enhanced if the witnesses are permitted to state the fact to which they depose in their own way, without constant prompting. The examiner should note the character and demeanour of the witness, and the form of his examination should be accomodated to the manner of the witness. If a witness appears to be frightened, questions should be asked to make him regain his self-possession regarding his residence, ocupation etc. In case a witness is talkative and smart and it is feared that he may spoil the case, by his garrulity, the examination has to be conducted with more ceremony and in a reserved manner, to make the witness feel his position and responsibility. If the examiner is surprised by the hostile attitude of a witness, it is better that he boldly exposes the hostility so unexpectedly discovered in order that the motives for testifying are clearly apparent to the Court.

Cross Examination of Witnesses.

This might be classed generally into two kinds. (1) The fierce style, and (2) the pleasant style. In the former, the cross examiner, wants to scare the witness, and tries to break down the effect of his direct evidence by extorting from him, an admission that he has committed perjury or by compelling him to give an inconsistent stoyrg in cross examination. The cross examiner in this method, thinks that the witness is the victim of his wrath tortures him and endeavours to compel the witness to beg for mercy. This sort of cross examiner makes the witness angry and he turns into a defiant attitude and becomes an enemy and matches wits with the cross examiner. This method of examination might be proper in certain rare cases, but can only be called the exception to the ordinary rule.

The latter style, the pleasant style, is likely to produce far more beneficial results. In this method, the witness who was expecting an assault upon his character and was prepared to defend himself, becomes softened and is the more easily led to tell the exact truth. A cardinal rule for cross examination is that *no questions should be asked without an object.* There ought to be no aimless interrogations and it is better that too few questions are asked than too many.

The kind of cross examination should be promptly determined beforehand nd followed. The right of cross examination should never be abused, and it ught to be borne in mind, that it does not carry with it the privilege to insult

all, even persons of undoubted respectability. It may be advisable to adopt a severe style of cross examination in case the character of the adversewitness is vulnerable but attacks on character are always dangerous and in somecases, they end to create sympathy in the minds of the Jury and Court.

C. M. DESIKACHARIAR.

(To be Continued.)

THE SACRIFICE THAT FAILED—I.

(A Story of Crime)

(By K Ramanujam.)

All Rights Reserved.

She went round and round the sacred peepul around whose broad base nestled a cluster of erect stones with cobras etched on their fronts. She was in her wet clothes, having just then bathed in the pond hard by; the clinging saree displayed her symmetry to perfection. An old man on the shady side of sixty, was seated at a little distance from her, and his shifty eyes divided their attention between the comely young woman and an adult sitting on the highest step of the pond, pretending to clean his teeth with a neem stick.

The woman had done about 98 ambulations and there remained only 10 more to finish her vow. Suddenly an exclamation broke out of her lips and ere its echoes subsided, both the old man and the adult were beside her. A chameleon leaping over her feet was the cause of alarm. Knowing not what she did, she swayed into the arms of the adult. Quick as lightning, something passed from the hands of the woman to those of the man. The old man pulled her towards him with a snarl of rage. She seemed to recover and realising her uniwomanly conduct, bent down her head bashfully darting a swift glance at the adult, which perhaps meant untold things, and meekly followed her lord to a single bullock cart standing at some distance. The adult waited till the cart was out of sight, and slowly opened the chit that was so cleverly thrust into his hands. It contained a very lacoinic line or two, saying that since her more prosaic alternative failed owing to stringent shadowing, her beloved was free to adopt the other ruse he had lately suggested to her. The man smiled with a very knowing air, and his nervous fingers tore the chit into tiny slips, which were carefully gathered and put into the pond.

19

All that transpired above was being keenly watched by another man, who was seated under the shade of a banyan on the other side of the pond. From his habit one gathered that he was a *pandaram*, though on closer scrutiny he would have felt some doubts as to the genuineness of the relation between the ochre robe donned by the watcher, and his tense personality which suggested a hawk on its wings and not a beggar on his rounds.

A few days after this, on a certain evening when twilight yet held the air, a curious figure of a man entered the single street of a village in North Arcot District. He was nude save for a strip of rag wound round his loins. Matted hair crowned his head falling in dirty ringlets behind his broad shoulders. *Vibhuti* or sacred ashes enveloped him from head to foot. Each arm of his displayed double bracelets of steel, and each wrist similar ones, but fashioned out of human bones Around his neck hung a black cord having for its pendant a human skull resting just above the navel. In his right hand he held a sharp trident of steel, while the left grasped a blackwood crutch which sanyasis generally use.

No sooner he entered the street than the villagers just returned from their toil in the fields crowded round the Swami. Ignoring them all, the man walked to the spacious pial of the best house in the village owned by a rich miser, the richest man of all those parts. By this time it was dark, and the men on seeing the swami sit cross-legged and betray impatience, paid him one after the other their obeisance, and retired to their houses. When quiet was restored, the door of the house was slightly opened, and the head of an old man peeped out. Seeing the dread figure of a *Kalamuki* Yogi seated on the pial in evident contemplation, the owner of the head shut softly the door and bolted it as before. Some talk ensued in low tones between husband and wife inside. The latter who could scarcely control her agitation, impressed on her husband

what a blessing it was that their prayers were heard and that a *Kalamuki* swami of whom one sees but little in these days of sin, should have deigned to wend his way as far as their humble village and still humbler abode. She counselled her lord to wait patiently till the gossips retired to their rest, when both of them would approach the swami with milk and fruits and prefer to him their prayers to obtain the one thing in life which they so ardently desired. The man nodded his head.

Meanwhile, a shepherd muffled head to foot in a dark *Kumbli* crept close to the pial on which the Yogi was sitting and laid himself down quietly alongside of a number of logs stacked against the pial on the side of the street.

It was about 10 P. M. The night was pitch dark. Except for the barking of a few stray dogs and the tinkling of sheep bells now and then, no human voice broke the stillness. The door of the house was again softly opened. Husband and wife both came out quietly with a tray filled with sweets and a *lota* of milk. These were laid before him, and the woman prostrated herself

several times before the Yogi. Only half opening his eye-lids the, latter asked the woman who she was and what she wanted. "Your blessings, O,Swami," said she "and the grant of a boy to enjoy my husband's wealth." "Umph" muttered the sage, "children are a hindrance, and wealth had better be spent on shrines and sadhus. Anyway we *Kalamukis* never waste time on such puerile things." "Mercy Swami" pleaded the woman, "Kasi and Rameswaram have we been to, much of charity have we done, but all in vain. You, that came unbidden to us are our last hope." "So be it" said the sadhu "that is, if you are prepared to do what I bid. Ascend to the Amman temple on yonder hill to-morrow evening. Keep the fact close if you value my pledge Come decked in all the baubles you have got and in your gaudiest clothes. The Devi likes to have rich women coming to her for favours." "So be it" assented the woman, though her husband pulled a wry face over her ready 'yes.'

* * * * *

The time is the day after the foregoing and at about 10 A. M. The place is a ruined, moss-grown choultry half-covered by the dense scrub jungle extending from the confines of the village up to the very base of the hill. A group of four men were engaged in earnest converse broken now and then by subdued laughter. One of them was the *Kalamuki* Yogi and the other three, sturdy *pandarams* of the usual type. "It was no easy thing for me" said the leader "to circumvent the suspicious old brute. He would stick to her like a leech wherever she went. After I won her affections by determined dogging, the details were settled, rather hurriedly, in two weekly fairs where I ran a booth for *Kumkum* and turmeric, specially for her sake. However the trick is done, and ere it is mid-night to day, the fair traitress and the dotard will both be ours to do as we please. Now, listen to what your part is to be when once we are inside the shrine. The *Pujari* will not attend evening service to-day ; I have seen to it. I am taking his place. You, Guruva, will have to help me with the incense and the lustral water etc. Pedda in the meanwhile, will arrange the stocking in pots of the nine ritual grains, *pan*, fruits etc., before the sacrificial altar. He will also keep ready the skull-lamp with ghee and special wick. And forget not the goat to be offered. Sidda here will await our arrival with the woman, beside the treasure pit. Now let us disperse till we three meet again inside the hill shrine after sunset." As the man rose to go his eyes fell upon an old man picking dry twigs a few yards in front of the choultry. Advising Sidda not to let others know he was inside, the man left the ruin accompanied by Guruva and Pedda.

* * * * *

In the old miser's house, affairs were taking a brisk turn. The woman at about 4 P. M., asked her husband to let her have the costly Benares saree and all the jewels made of solid gold or of precious stones that were locked up in her husband's custody. The old man protested saying that the whole thing

was a farce, and that he did not perceive any guarantee that the money he was to spend that evening for the so-called special *puja* would fetch its return. The woman pretended to fly into a passion: "Lo," she cried "are you human or a ghoul in flesh and blood! Nothing is of any moment to you. Your unfortunate wife's utter longing for a child, your distant nephew's daily prayer that you should die childless, the solemn pledge of holy men and the sure grace likely to bless those who worship the Devi under right guidance! Now, either make up your mind to do as I wish you to, or—or—allow me to put——put—— O, woe is me!—an end to myself this minute!" Bitter sobbing broke out instantly and the old man, who in a way liked the wayward woman, threw the keys of the safe before her, and retired to the pial outside.

At about 3 P. M. on the same day, the Police Inspector of Thi———ur station was perusing with interest a short note delivered at the Station by a young man, who went away instantly saying there was no reply to wait for. The note merely said that at (the place was described here accurately) Vai–vur, a human sacrifice was contemplated during mid-night, and that if he cared, he may be present with a couple of men a few paces behind the crumbling back wall of the ruined Chattram. He or his men were on no account to make any move till they were advised to do so, and they might bring with them their fire arms. After deep thinking, the Inspector decided to go with one of his trusted Heads and his brave orderly.

(*To be concluded*).

MAN AND SUPERMAN.

What and who is Man? Man is a living thing and is at the top as such. What raise him above other creatures are the faculty of expression and the power of discerning: the former enables him to hand down his experiences to the future generations, and the latter to use laws of life to the best advantage. What is a law of life discerned from experiences? Laws of life are primary and form the basis from which laws operating on elements issue.

Inductive sciences concern themselves with laws of matter only. A life-law is that which underlies the activities of the mind. Can one go from the material laws to the mental laws? Yes, provided one is highly discerning and open minded. For, 'from the effect to the cause' is a plain rule and the easiest way. Smooth and hard roads increase power of traction; this is a material law. Hating is answered with hating, and loving with loving; this is a mental law. Let us see 'What has the one to-do with the other?'

Mind is a means of communication as a road; desire and enjoyment pass along the mind. A determind, unruffled mind increases the power of execution Regarding mind, intensity and strength go together; for, intensity only means high degree of cohesion which again means hardness, A strong mind smoothened with patience and forbearance is the easiest road to success. Hatred and ill-will provide friction. Selfishness provokes the hatred and the ill-will that produce friction and many ruffles on the mind.

The strong and smooth mind is the special property of the Super-man. The weak and irritated mind is the common property of the common man. The super-men (including women also) have been the creators of this world and they have also been the maintainers of the world. A mind strong and concentrated but devoid of love and forbearance can also achieve much; but the very process and the results, produce resentment and grief in other minds which as seeds in due course of time sprout into opposing and destructive actions. So, such ambitious and selfish super-men fail to do any lasting good to humanity, but on the contrary pull it down from its ascent.

The other school of super-men whose minds are strong and imbued with love of all beings, assert themselves from age to age and achieve many good deeds resulting in peace and prosperity for all. They also enable the human race as a whole to go up many steps higher in the upward march.

Man as a superior being must utilize his faculty of expression and power of knowing laws of life to the benefit of the whole universe. The goal of life is peace and comfort that endure through all the three tenses. Peace and comfort are enjoyed by the mind first and through the mind by the body next. A man pursued by a wild animal flees towards a place of safety; on reaching that place he feels peace and comfort for some time; then they desert him for his mind thinks of home where alone it has rest and enjoyment; from that spot in the wilderness he makes for home.

Peace and comfort derived from physical surroundings alone are perceived first by the body and then by the mind. Men who seek rest and enjoyment from material objects alone find in practical experience that rest and enjoyment are not lasting, that is to say, are for the fleeting present alone. When such men acquire the power of comparative knowledge they are deluded into the belief that better and finer material articles (both natural and artificial products) can give them better peace and enjoyment. They work hard to be in possession of them and when they are in actual possession and enjoyment the feeling of satisfaction lasts but for a short time; they feel surfeited and dull; their minds seek fresh fields and pastures new, and again work hard for newer things; thus there is no end for enterprises; and at the same time, such minds never acquire real rest and comfort; and this struggle and restlessness follow them life after life.

An intelligent man knowing this phenomenon of life pauses, and tries to know what really can get him everlasting peace and comfort. He easily finds that it is the mind and mind alone that is the real factor of peace and enjoyment; and having found it he tries to train his mind to acquire rest and comfort by itself and for itself or in other words he teaches himself to be contented with simple material articles to meet his necessary physical wants. Mind being energy always tries to let itself out on physical surroundings and refuses to take the curb. Knowing this, the intelligent man turns that energy inward and by dint of practice in due course, attains lasting peace and rest. Content and void of foolish ambition he becomes a super-man. His mind is strong and conscentrated and self-sufficient. Although he may not create and pursue relations with other men, he becomes a powerful centre from which real peace and rest diffuse around.

So far as his worldly activities are concerned, he does his duties by others simply and solely to set an example so that the society consisting of all sorts and conditions of men may hold together.

We must beware of imitation. The common man is unable to perceive the mental perfection and eminence of the super-man of the better type, but is satisfied with aping the latter. He finds his way full of pit falls and keeps tripping amongst them.

What is this due to? The modern man is struggling with the apparent effects. He would not go to the inner cause. Faraday, Huxely and others had to accede to the possibility of all elements having come out of a single primary matter. Regarding matter and power themselves, there are scientists who ask why the ultimate form of matter should not be inferred as a form of energy. Herbert Spencer admitted that the basis of an organism (a living thing) after getting it stripped of all its material adhesions and accretion is but a particle of energy.

If energy creates or transforms itself into matter there is something behind it to direct its action. Without mind no work is possible. The Universe is nothing but the mind. The mind is nothing but energy (power in motion). Mental energy is nothing but intetligence. Intelligence arises as the result fo operations among matters or objects. Mind not being matter is force in motion. That force must be knowledge supreme. It is wisdom supreme. Intelligence very often miscarries because it fails to revert itself to 'the force' viz 'wisdom supreme'—the motionless bliss.

Wisdom never miscarries. The law of wisdom is behind all laws and is eternal and just and kind. It is again imexorable. Its weapons or instruments are the Universal Mind, the Mind of Humanity, the national mind, the racial mind, the family mind and the individual mind. Every evil carries with it the germs of its own destruction. Every good carries with it the seeds of life and peaceful bliss.

That super-man that has worldly greatness and lust for wealth as his aim of life creates the same desires in all those that come under his influence; for, the collective mind of a group of human beings is a lake and what the super-man spouts out as desires spread over the whole mental surface as waves. That super man that has universal love and bliss as his aim, creatss the same desires in all minds that are brought under his influence.

These super-men of the better type are called saints or rishis. He who loves every being dearly and wishes its peace and happiness, and sacrifices himself and everything called his, to attaim that end, is the Super-Man of the best super-men. And He is God. He triumphs in the end. His mental strength is irresistible and overcomes all oppositions created by the selfish super-men.

The Christ, the Mohamed, the Buddha, Rama, Krishna, and Sankar or Shiva were but that God, who appears in the world at different times as different Persons. As such a Personage, He establishes His kingdom over the hearts of men. Do we not see the kingdoms of the Christ, of Mohamed, of the Buddha, of Rama, of Krishna, and of Shiva now existing? And where are the kingdoms or empires of Alexander, Ceasar, Napoleon, Kamsa, Ravana, Sura Padma and of similar others? They are not in existence and are forgotten.

The common man or woman, can escape miseries and losses only when he or she subjects himself or herself to the Kingdom of God. So long as he or she follows the principles of the ASURIC super-men, he or she must find life full of sufferings and miseries. The law of wisdom is the law of *karma* and is immutable. It is sleepless, irresistible and is always making for universal love, peace, and bliss. He who does any harm to other beings will have the same harm done to him; he who does any good to other beings will have the same good done to him. This is the essence of God's law. To rest in God is peace and bliss. To rest in sense-pleasure and worldly greatness is misery and trouble.

YOGANATH.

25

THE KALLAR PROBLEM.

(By E. B. Loveluck Esq., Superintendent of Police, Madura, for Publicity Bureau,)

The Kallars of South of India, or at least one or two sections of the tribe, have for centuries believed that their mission in life is to distribute the wealth of the country by 'robbing Peter to pay Paul'—Peter being the man with property of any description and Paul being the one without! Neddless to say, they generally regard themselves as being in the position of Paul!

Some sections of the tribe are much more criminally inclined than others. The Kallars of Tanjore taluk, Trichinopoly town and taluk and the Piramalai Kallars of the Madura and Ramnad districts have earned the greatest notoriety in the past, and owing to their numbers, it has been very difficult for the Polica and Government to devise any satisfactory method of dealing with them.

It must be remembered that a large number of these Kallars do not consider it in any way wrong to commit crime. The successful criminal is a hero, and is considered a most eligible 'parts' by the girls of his village. A Kalla youth belonging to some of these communities has to commit crime in order to prove himself a man; after such a feat, he is regarded by the other youths of the village in the same way as junior school boys in England regard the boy who has been given his first eleven colours.

This spirit of emulation brings more recruits to crime than it is possible for the police to tackle.

It makes little difference to a Kalla's popularity, whether he gets convicted or whether he escapes.

Any Kalla convicted three or four times is looked on rather as a martyr; and his family is given every assistance while he is in jail. Amongst the active criminals, however, naturally those leaders who are luckiest in escaping from their victims and the police, have the greatest following, and one elderly Kalla who has recently been arrested boasted that he had been responsible for some 900 house-breakings and thefts in his lifetime, but had only been convicted once. This was probably a gross exaggeration; but the police have been able to trace his handiwork in at least twenty reported cases during the last year.

The majority of the individuals belonging to even the criminal sections of the tribe have property and should be economically independent of crime. Recent investigations have however disclosed the interesting fact that it is not the poorest of the members of this tribe who are the worst criminals. It is the sons of the well-to-day who embark on a life of crime, more from a love of adventure, rather than for any other reason. Very naturally, villagers belong-

ing to other communities throughout these districts thoroughly dislike the Kalla, beat him unmercifully, and sometimes kill him when they catch him 'in flagrante delicto'.

Some thirty years ago, an anti-Kalla movement was started in Madura district and Kallars were driven from different localities by the other inhabitants of these areas. This movement threatened a sort of civil war, and was stopped by the authorities.

The Kallars derive an income frrm other people in two ways:—

(1) By means of the tuppu-cooly system—cattle are stolen and returned to their owners through a Kalla intermediary on payment of about half their value;

(2) By means of the kaval system, which they force the villagers to accept after subjecting them to a continuous loss of properly through house-breaking and thefts.

There are of course, gangs of Kallars who from a law unto themselves. Each gang has its recognized leader, and changes the scene of its operations regularly, without attempting to impose any kaval system, and without any idea of returning stolen property through tuppu-cooly agents.

Should however any village accept Kalla kavalgars, that village is generally exempt from the operations of any of these gangs, and if any crime occurs within its limit, the property can generally be recovered from such a gang through these kavalgars. In return for such complaisance, these Kalla gangs find a safe asylum in any Kalla village; and, if they have to take to the hills, every Kalla is bound to give or bring them food, etc, on being requested to do so.

It sometimes happens that two different sets of Kallars claim the right to kaval fees in one particular village. The lot of the residents of that village is then very distressing as each set of kavalgars attributes each crime to the machinations of the opposite set. Such a state of affairs generally results in the villagers having to pay kaval fees to both of the Kalla factions.

In 1909 a cattle branding system was evolved by the then District Superintendent of Police, by means of which each owner of cattle could have his animals identified by particular letters and numbers. It was hoped that this would make it more difficult for the Kallars to dispose of such animals to other persons than to their owners, and it would be impossible for thieves to account for any stolen animals found in their possession. This system was in force for over ten years but it has had to be given up owing to several causes.

The owners of cattle believed that branding spoiled the skins of their animals, and thought that it did not act as a deterrent to Kallars stealing

them. It only made the Kallars more careful to keep the stolen cattle in better hiding places, until tuppu-cooly was forthcoming. The Kallars also demanded a higher percentage of tuppu-cooly for agreeing to restore branded animals.

There is no doubt also that, in order to deter villagers from having their cattle branded, the Kallars would occasionally slaughter such animals, and the owners lost the whole value of their cattle instead of only half. The work of branding cattle was very onerous, and the branding had to be repeated every year or so, because, if too strong chemicals were used, considerable pain was caused; and in any case, all marks become obliterated within two years.

The system was a voluntary one, and the villagers could never be persuaded to have more than one-fifth of their cattle treated in this fashion. As a rule, they would only allow the police to brand those animals which were so old and useless that no self-respecting Kalla would ever demean himself by stealing them. Finally, in 1920, it was relized that even if we did stop cattle thefts by means of this system, or by the Kahadari system tried in Malabar, the only effect of such success would be to drive the Kallars to some other form of crime. This then was the problem.

The Kallars considered crime an honourable occupation. Convictions and imprisonment only made the criminal more popular and had no deterrent effect whatever. Their numbers were so large (100,000 or so) that no settlement could be made large enough to deal with even the worst characters of the tribe and in any case agricultural settlements have generally been failures. Crime was increasing rapidly, and Madura, the home of the Piramalai Kalla, had become one of the heaviest criminal districts in the Presidency.

The Kalla had distinctly got the upper hand of the police; and, in many areas, it was openly stated that the British Raj was powerless against the Kallar Raj.

Blackmail under the 'kaval' system was openly practised; and the police had begun to connive at it, as they found it increasingly difficult to obtain help from any villager in their continuous struggle against the powerful Kalla despotism. Witnesses in cases were intimidated; and their houses were looted, if they came forward to give evidence. No portion of any property was ever returned if any report had been made to the police regarding the loss of it.

The Indian Penal Code and all ordinary methods of dealing with the tribe having proved of no avail, some new scheme had to be evolved.

In February and March 1920, new ideas were proposed to Government, and after various discussion and references, the authorities determined to give the new plans a chance.

In the meanwhile, Government had sanctioned the registration under the Criminal Tribes Act of the whole of the active adult males of the tribe, the registration from 1915 onwards of one or two of toe worst villages having had little effect on the total volume of crime. It had to be recognized that practically every Piramalai Kalla was not only a potential, but also a probable criminal. All estimates as to the total number of adult males to be registered proved very wide of the mark. Over 20,000 were actually registered during the year, and the total final number will probably exceed 25,000 active adult males.

It was obvious that unless the police force in the district were to be increased by at least 50 per cent, it would not be possible to work the Criminal Tribes Act effectively in the 850 or so Kalla villages of the district. According to section 10 (*a*) and (*b*) of the Criminal Tribes Act, a registered member of a criminal tribe may be compelled to attend a roll call once or twice every night of his life, besides being made to take a passport if he leaves his residence between sunset and sunrise.

One would think that this section was sufficiently drastic in itself to make it impossible for a registered criminal to commit crime. Many ways of evading the rules have however been discovered by all criminal tribes and a small police force was obviously powerless to work such a section effectively when dealing with 25,000 possibly active criminals scattered over an area of 4,000 square miles.

The ideas underlying the new proposals were three in number. It was obviously necessary to make the criminal as thoroughly unpopular with the members of his own community, as he was with the outside public, secondly, it was necessary to provide an alternative occupation, by means of which the Kallars, as a community, could be rendered economically independent of crime, and thirdly, it was imperative to divert the energies of the younger and more adventurous Kallars to other channels than that of crime.

The methods by means of which these ideas could be made operative were also three in number. First of all the principle of making the community responsible for the acts of each individual within that community was introduced. Panchayats have been or are being elected in each of the 850 Kalla villages of the district and each panchayat promises on behalf of the Kallars who have elected them to observe certain conditions. These conditions make it compulsory for the panchayatdars to report any crime in their village or any crime committed by any of the Kallar residents of the village. The levying of all kaval fees is abolished. All cases of tuppu-cooly have to be reported to the police immediately. All criminals wanted by the police have to be surrendered, and if the panchayatdars should find themselves unable to surrender such criminals and unable to prevent them committing crime they must ex-communicate them, prevent them marrying any girls of the village, and generally make their lives so unbearable that they will be forced eventually to obey heir orders.

So long as a panchayat tries to carry out these conditions honestly the village is exempt from the operation of section 10 of the Criminal Tribes Act,

Directly the Kallars of any such exempted villages begin again to misbehave, the exemption of the whole village is cancelled, and all the adult males have to report themselves at police checking centres twice each night at 11 P. M. and 3 A M. The immediate result of the introduction of this system has been to change entirely public opinion in each Kallar village about their criminals. Instead of being the heroes and providers of cheap stolen goods to their fellow castemen, they have become intolerable nuisances. Their activities only result in the whole of the village getting into serious trouble; and the women particularly are dead against them. So emphatically has Kalla public opinion changed during the last three months that the Kalla panchayats have themselves brought in all their warrantees and bad characters (some thirty to forty in number) who have been wanted by the police during the last three or four years. In addition, crime has almost ceased in that portion of the district in which the panchayat system has been introduced whereas it has increased elsewhere. The figures are eloquent on this point.

In Tirumangalam Circle, there were two house-breakings in January 1921 as compared with 21 house-breakings in January 1920.

In Tirumangalam, Madura town and taluk circles, the figures were seven house-breakings this January as against 39 in January 1920.

In the Dindigul, Palni, Periyakulam and Uthamapalaiyam circles, where the system has not yet been introduced there were 28 house-breakings in January this year as compared with 42 in January 1920 Other crime has followed suit and the startling results already obtained have proved the soundness of the system. A special police officer has been appointed by Government to form similar panchayats throughout the district; and he is also acting as a sort of general 'father and mother' to the tribe in other ways. The panchayat system having succeeded in making the life of a criminal unpopular and his personal freedom most insecure, the alternative occupations offered him, became more attractive. Cottage industries such as tape and rope making (learnt by many of the Kallars while serving sentences in jail) have been introduced widely, oil pressing, lime kilns and mat making have been started in several centres, while looms have been purchased by the Special Kallar Officer, and experts have been engaged to teach the Kallars how to weave cloths. Contracts for the provision of road metal have been obtained and Kalla labourer is being given preference in many other directions.

The planters have promised to take a thousand *families* provided the Kallars now employed behave themselves.

Dharkast lands available near each Kalla village are being handed over to those Kallars who have not sufficient lands to support their families. Such lands

are made inalienable, as the Kallars are generally improvident, and are only too willing to mortgage their lands to the local sowcars. And the last, but not the least of the principales to be put into effect has been the compulsory education of the children of the members of the tribe. It is believed that education games and athletic contests will divert the thoughts of the coming generation from crime, and will show them many other walks of life—better suitted for the more adventurous and energetic spirits amongst them. One of the conditions to which panchayatdars have to agree is the compulsory attendance of all children of the tribe at any school opened in their locality, Football matches, running competitions, tugs of war (village versus village), each side being on opposite sides of a narrow stream, jellicuts, their national pastime, and other games, will give the younger men of the tribe an opportunity of showing off their strength and prowess. The first of these athletic meetings will take place between April 12th and 14th, 1921.

The American, Swedish and Roman Catholic Missions are all co-operating with Government and the police, in opening schools, and in training teachers. They have also promised to take 300 of the poorer children as boarders directly scholarships of Rs. 5 a month each have been sanctioned by Government.

In addition to the taluk board schools, it has been possible to open thirty or forty other schools for the children of this tribe, the expenses of opening many of the schools, the building of the school houses, and the maintenance of the teachers having been seen to in many instances, by the Kallars themselves

All this work has not been accomplished except in the face of many difficulties. To begin with, the Kallars were naturally most suspicious of their hereditary enemies the police. They did not believe the police could mean them well. At Perungamanallur, Poosalapuram, Madipanur and other places they resisted registration and attacked the police early in the year, but only with serious results to themselves. Until 200 warrantees had been rounded up in various raids by the reserve police last April and May, the Piramalri Kalla community refused to believe that, *this time*, the authorities meant business. They have now realized our good intentions and our determination to deal with them *firmly*. In consequence, the vast majority of the members of the tribe-have definitely turned over a new leaf, and the current of reform has set in strongly and steadily. Except in the outlying villages, the public have hardly yet realized their good fortune. It is only an increase in crime and their victimization by criminals and appeals to people personally and individually that causes an outcry, while the reform of the criminal and a reduction in crime generally passes unnoticed, except in statistical reports. The stoppage of kaval fees and of tuppu-cooly crime has been most enthusiastically recognized, however in several localities and if the funds necessary to continue the present methods of reclaiming this community be sanctioned by the new Government, not only the Kallars, but each and every inhabitant of the district will have the greatest possible cause for thankfulness.

ON THE URGENT NEED FOR POLICE CLUBS IN ALL DISTRICTS.

It is an acknowledged fact that it is very necessary that one must have "Police Clubs" in the head quarters of every District, where Police officers, of and above the rank of Sub-Inspectors may go and halt when they proceed to Head Quarters on business connected with their office duty. The object in opening such clubs are.

(1) To promote co-operation and improvement oi Police work by the frequent meeting of the members in the Head quarters of the "Police Club" and by exchange of mutual experiences in Police work.

(2) To maintain a library of books, chiefly on law and subjects of Police interest and to undertake study of improved methods of Police work etc.

(3) To encourage an *espirit-de-corps* in the Dept., and good feeling between the Police and the Public, with a view to secure their full confidence and assistance in Police work.

(4) To support and encourage games and sports in the District Police force and to enable it to hold its own against other Districts in the annual District sports competitions and also to provide games, recreation and amusement tothe members.

"Police Clubs" are of imperative necessity to-day in every District of the Madras Presidency.

To our knowledge such clubs exist in the Districts of Tanjore, Trichinopoly Tinnevelly and Coimbatore, Salem, Guntur, Krishna and Vizagapatam and are doing excellent work. Police officers of and above the rank of Sub-Inspectors come and halt in Police Clubs and feel themselves quite at home. Cooks and servants are provided to look to their comforts. Therefore it is earnestly requested thot early steps may be taken in other Districts by D. S. P's, Inspectors and Sub Inspectors to bring about a meeting at the Head quarters to start such Police Clubs in their respective Districts.

How to start a Police Club: A Police Club may be started (1) with the D. S. P. as President, the A. S. P, and the Dy. S. P. and Personal Assistant as Vice Presidents,the manager as Treasurer and the Town Inspector as Secretary. A Committee consisting of the above mentioned officers as members and the Reserve Inspector and the Town S. I as Joint Secretaries may be opened to look after the management of the Club and meet as often as possible to promote the well being of the Club.

Donations and subscriptions may be fixed as under:—

	Donation.	Monthly Subscription.
(1) D. S. P.	Rs. 25—0—0	5—0—0.
(2) A. S. P.	Rs. 25—0—0	5—0—0.

(3) Personal Asst. Dy. S. P.	25—0—0	5—0—0.
(4) Manager, Reserve Inspectors, Prosecutting Inspectors and Circle Inspectors, each.	151—0—0	2—0—0.
(5) Sub Inspectors and office accountants.	5—0—0	1—0—0.
(6) Other Clerks of the Dt. officer, willing to be members.	1—0—0	0—8—0.

The donations are highly necessary for meeting the initial expenses, such as rent, purchase of vessels, Furniture etc., as the same could not be met from monthly subscriptions.

Establishment:

(1) *A clerk* and librarian and accauntant to maintain, library records, and the accounts.

(2) *Cooks* as many as required.

(3) *Servants*.

These should be appointed by the Managing Committee according to the requirement. Airy and fine accomodation must be secured and adequate arrangements must be made to suit the convenience of officers, who belong to different castes so that every body may make himself comfortable.

Donations and subscriptions may be collected and left in charge of the District Office manager, to supply funds to the Club servants when required.

General Meetings. may be held quarterly, half yearly and annualy and also on such occasions when a large member of Police Officers meet at the Head quarters. Such meetings could be convened by the President, Vice President or by the Secretary, on the written application of 10 members of the Club. If necessary the committee may consist of 12 members:—

(1) The D. S. P—President. (2) The A. S. P—Vice President. (3) Dy. S. P. (Personal Assistant.) (4) Manager, Dt. Office.	4
Prosecuting Inspector	1
Circle Inspectors	3
Sub Inspectors	4
	12

The President or Vice President, or in their absence, some body elected may preside and consider the affairs of the club Due notice of one week must be given to the members before the meeting. There can be a general body meeting of all the members during the Christmas or other convenient time. Club affairs may thus be looked after with interest and attention. All proceedings of the committee may be entered in a book kept for the purpose, which should be open to the inspection of all members. When vacancies occur, they may be filled up by votes. All circles must be fairly represented. The committee will make bye-laws as they deem suitable which must be binding on all members. The President should have general control over the affairs of the Association and power to appoint or remove the Club servants. Everything should be finally decided in the general body meeting at the beginning of every year in a manner satisfactory to all and in the best interests of the Club. All members must be guided by the bye-laws. All subscriptions and donations must be collected and accounts maintained. and receipts obtained or all payments made. A Visitors's book and a Complaint book may be maintained for remarks by the members. The accounts should be audited annually by professional men appointed by the committee and their report published for the information of the members. Such auditedreports must be published and circulated to all the members 15 days before the annual meeting.

If Police Clubs with the above objects in view are opened in every District, the Police officers who visit the Head-quarters would feel it a great boon and a real blessing in disguise. In selecting premises, own or rented, a building centrally located, near the Railway Station and the District Police Office must be selected to suit the convenience of all concerned.

Vellore is supposed to the home of the Police in the Madras Presidency. The absence of such a Club is very very keenly felt at Vellore. Of course there is a Police mess and a Club for European Officers.

The want of a Club for Indians is very keenly felt. So it is earnestly requested that arrangements may be made to open a Police Club at no distant date and thus confer a blessing on all Police Officers who visit Vellore, for Presidency Sports, Court duty or other special investigation work Membership may also be thrown open to the probationers under training in the P. T. S.

H. G. RAMACHANDRA ROW,

35

ALLAHABAD HIGH COURT.

Criminal Revision No. 644 of 1920.

December 17, 1920.

Present:—Justice Sir P. C. Banerji, Kt.

LALTA PRASAD—Applicant

versus

EMPEROR—Opposite Party.

Indian Penal Code section 283—To sustain a conviction of the Principal for the obstruction to a public road caused by his agent there must be proof that the agent did so under his direction or with his sanction.

Criminal revision from an order of the District Magistrate, Farrukhabad, dated the 24th June 1920.

Mr. *Peary Lal Banerji*, for the Applicant.

Mr. *R. Malcomson* (Assistant Government Advocate), for the Crown.

JUDGMENT.—The applicant has been convicted of having caused obstructions to a public road. The obstruction complained of was the placing of certain girders on the road. It appears that the applicant is in charge of a Jain temple which was being repaired. There was a contractor for the supply of materials and the contractor supplied the girders. There is nothing to show that the girders were placed on the road under the authority or the direction of the applicant. If the contractor or his servants placed the girders on the road, and if there is nothing to prove that they did so under the direction or with the sanction of the applicant, the applicant could not be convicted of having caused obstruction to a public road. In the present case there is no evidence to prove that the applicant authorised the obstruction. His conviction, therefore, was illegal. I allow the application, set aside the conviction and sentence and direct that the fine imposed on the applicant, if paid, be refunded.

Conviction set aside.

S. C. Ind. Cas. 59.
Cr. L. J. Vol XXII p 331.

PATNA HIGH COURT.

Criminal Revision No. 60 of 1921.

February 21, 1921.

Present:—Mr. Justice Jwala Prasad.

RAM MAHATO and others—Petitioners

versus

EMPEROR—Opposite Party.

Criminal Procedure Code (Act V of 1898), ss, 247, 403—Acquittal owing to absence of complainant—Second trial, whether barred.

Mr. *Syed Haider Imam*, for the Petitioners.

Mr. *H. L. Nandkeolyar*, for the Opposite Party.

JUDGMENT.—This is an application against the order of the Magistrate summoning the accused under sections 447, 426 and 143, Indian Penal Code. The ground urged in support of the application is, that the Magistrate had no right to try the accused, in as much as he was previously acquitted of the same offences on the 13th December 1920. This objection was raised by the accused before the Magistrate, but he refused to entertain it, and so also the Sub-Divisional Officer to whom the petitioner went in revision. In the view of the Magistrate, the order of the 13th December 1920 cannot operate as a bar to the subsequent trial of the petitioner, inasmuch as that order was passed under section 247 of the Code of Criminal Procedure under a misapprehension. Reliance is also placed upon the case of *Etim Haji* v. *Hamid* (1). That case is based upon yet an earlier case of *Ramanath Bal* v. *Behari Bag Bagdi* (2). The *ratio decidendi* of those cases was, that the complainant was present in Court, but at the time when the case was actually called on, he was temporarily absent somewhere in the same Court premises. In other words, in the circumstances, it was held in those cases that there was no non appearance under section 247 and hence the order of acquittal passed under the section on account of the failure of the complainant to appear was invalid. In the present case, the complainant, while re-filing his complaint, stated that he was present in Court but had gone to call his Mukhtar when the case was called on and in support of that it is said that *hazri* or list of witnesses was also filed by him on that date. This fact is taken by the Magistrate as a strong resemblance with the cases referred to above. The Magistrate, therefore, thought that the case was on all fours with the authorities quoted above and section 247 was, therefore, misapplied. Be that as it may, I do not think that, so long as the order of the 13th December 1920, acquitting the accused under section 247 exists, it is competent to any Court to try the accused on the same facts. In those cases

the order under section 247 was set aside in revision by the High Court. In the present case, if the complainant was aggrieved by the aforesaid order of the 13th December, the only remedy left to him was to have it set aside by proper proceedings under the Code of Criminal Procedure. The learned Judges, who decided the cases relied upon by the Magistrate, had not to deal with section 403 of the Code, namely, whether an acquittal, though based upon erroneous ground, under section 247 of the Code, could be ignored so as to put the accused on trial a second time. That section is imperative and bars a second trial of the accused when he was once acquitted on the same charge. The Code does not make any distinction between acquittals after trials and acquittals under sections 247, 345 and 494 of the Code at the initial stage of the case, either on account of the non-appearance of the complainant, or on account of the case having been compounded between the parties out of Court or the Public Prosecutor having withdrawn it. In all such cases, though the accused is not tried, yet the Court records the result of the case as an acquittal as distinguished from the dismissal of the complaint, or the discharge of the accused. The explanation to section 403 of the Code exempts the dismissal of a complaint under section 249, the discharge of the accused or any entry made upon a charge under section 273 from the category of orders headed 'Acquittal'. The omission of acquittal under section 247 or 345 or 494 is significant, inasmuch as the Legislature regarded the orders under those sections as having the same force and effect as an acquittal after a regular and full trial. This view is supported not only by the case reported in *Dudekula Lal Sahib, In re* (3) but by the true interpretation of the Code, notably section 403. The case of *Emperor* v. *Chinna Kaliappa Goundan* (4) has obviouly no application to the present case, inasmuch as the complaint was dismissed in that case and the accused was not acquitted. Apart from any technicality, it appears to me that the above view is also supported by tangible and reasonable grounds.

According to the complainant, his case was dismissed and the accused was acquitted in spite of his having been present in the Court premises, though he failed to appear at the time when the case was called on for hearing. He was, therefore, fully aware of the order passed under section 247. He did not take any steps to have that order set aside. He did not even appear before the Court then and there, as in the cases cited above, just after he came to know of the order passed to aprise the Court of the reason for his non appearance. He did not take steps to have the order set aside by asking for a review of it or by going up to any higher authority. The result has been that he wants to dispute the correctness and the validity of the order depending upon facts, which might

(1) 37 Ind. Cas. 312; 24 C. L. J. 444; 18 Cr. L. J. 104.

(2) 13 C. L. R, 303.

(3) 45 Ind. Cas. 261; 40 M. 976; 33 M. L. J. 121; 22 M. L. T, 69; 6 L. W. 175; 19 Cr. L. J. 501.

(4) 29 M. 126; 16 M. L. J. 79; 1 M. L. T. 31; 3 Cr. L. J. 274.

be disputed by the accused and by his own laches the complainant has deprived the accused of any opportunity of testing them. It is, therefore reasonable that the order—good or bad, legal or illegal—must have its full force and effect, unless and until it is set aside. The Magistrate had no right in the present proceedings, on the fresh complaint lodged by the complainant, to investigate into the correctness of the order passed under section 247 of the Code. He was taking cognizance of the offence alleged in the complaint and he was seeking to set aside his own judgment or that of another Magistrate who passed the order of acquittal.

The result is, that the application is accepted and the order of the Magistrate in question is set aside.

Rule made absolute.

S. C. 61 Ind. cas. 59.
Cr: L. J. Vol. XXII p 331.

CALCUTTA HIGH COURT.

Criminal Revision No. 983 of 1920.

December 14, 1920.

Present:—Mr. Justice Beachcroft
and Mr. Justice Ghose.

GOPAL KAHAR—Petitioner.

versus.

EMPEROR—Opposite Party.

Penal Code section 211—Two persons separately and on different dates give information to Police. Joint trial and joint charge, illegal.

A conviction under section 211 cannot be sustained unless the prosecution establish that the accused knew that there was no just or lawful ground for such charge.

JUDGMENT.

BEACHCROFT, J.—The petitioner before us was charged under section 211 Indian Penal Code, for having instituted criminal proceedings, knowing them to be false, against one Bonomali, and was convicted by the Fourth Presidency Magistrate and sentenced to rigorous imprisonment for three months. He obtained this Rule from this Court against the Chief Presidency Magistrate calling upon him to show cause why the conviction and sentence passed on him

should not be set aside. It appears that he gave information on 14th December 1919, the effect of which was that there had been thefts in the houses of an Atarwala of Upper Chitpur Road and of a Marwari living in Nebutala, and that the properties stolen in these thefts might be found at the house of Bonomali at 17, Protap Ghose Lane, or at that of his mistress, at No. 7, Kaileshwar Lane. He also stated that one Mahboob was the thief. The Police made an enquiry and, in consequence of certain statements made by one Ram Charn, they got him also to give an information which was to a similar effect. He stated that there had been thefts in the house of one Gobordhan Das at Kalakar Street and of a Marwari at Cross Street, and that the properties might be found at Bonomali's house, or at No. 7, Kaileshwar Lane. The Police, after enquiry, were able to do nothing further in connection with the properties that were found. A complaint was then made by Bonomali against these two persons and they have been tried and convicted.

Two grounds have been urged before us; the first, that there was a misjoinder of charges, and, secondly, that on the facts, the case did not come within section 211, Indian Penal Code. Although, as I have stated, the charges made by the two men were made on different dates, a joint charge has been drawn up against them as follows: "I, N. C. Ghose, Esq. 4th Presidency Magistrate, hereby charge you Gopal Kahar and Ram Charan Kurmi that you, on or about the 13th day of December 1919, informed Sub-Inspector Saheb Singh against one Bonomali charging the said Bonomali with receiving some stolen properties, to wit, ornaments and clothes, knowing at the time that there was no just or lawful ground for such charge against the said Bonomali and you thereby committed an offence under section 211, Indian Penal Code, and within my cognizance" That the Magistrate has made a mistake of the date is, perhaps, not very material; but in this charge he has charged both the accused as if they had accomplished the impossible feat of giving one information; whereas, in fact, they gave separate informations on different dates. He also ought not to have tried the two accused together in respect of giving false information. If he was of opinion that one accused had abetted the other in respect of giving false information he might have tried them together, charging one with giving false information and the other with abetment, but he has not done that. He has charged the two men jointly with one offence, whereas it is obvious they ought to have been separately tried and there ought to have been a separate charge against each in respect of the information given by him. This will be sufficient to dispose of the matter so far as the present Rule is concerned.

Then we have to consider whether it is worth while to order any further proceeding in this matter. We have been through the evidence and we find that there is absolutely no evidence on the record which will justify the inference that the petitioner knew or had reason to believe that the charge that he was making was false. The Magistrate seems to have dealt with the matter as if he thought that all that was required was that the petitioner in fact had good grounds for making the charge. That, of course, is looking at the matter from

a wrong point of view. For a conviction under section 211, Indian Penal Code, it is necessary to establish that the accused knew that there was no just or lawful ground for the charge. But, as I have said, looking through the evidence we find there is no evidence which will support such a confusion; on the contry, we find these facts that at the house of Bonomali the Police found one man who had several previous convictions against him, at the house of his mistress they found another old convict, and that some of the properties answered to the descriptions of properties which had been stolen in a dacoity at Hoogly although, in fact, the complainant in that case was not able to identify the properties.

It is not necessary to say anything further, except this, that no useful purpose will be served by ordering a re-trial. The conviction and sentence passed on the petitioner are accordingly set aside and he will be released from bail.

GHOSE, J.—I agree.

Conviction set aside.

S. C. 61. Ind-cas, 61.
Cr. L. J. Vol XXII p. 333.

ALLAHABAD HIGH COURT.

Criminal Revision No. 101 of 1921.

April 9, 1921.

Present:—Sir Grimwood Mears, Kt., Chief Justice.

NAND RAM—Applicant

versus

KHAZAN and another—Opposite Party.

High Courts' power to order a retrial in exceptional cases of acquittal by a Sessions Judge if by the latter's failure to satisfactorily review the evidence there has been a miscarriage of justice.

Criminal revision from an order of the Sessions Judge, Meerut, dated the 15th December, 1920.

Messrs. *S. N. Mukerji*, and *K. C. Mssal*, for the Applicant.

Mr. *N. C. Vaish*, for the Opposite Party.

JUDGMENT.—This is an application in revision againt an order of acquittal. Although there is no doubt that the High Court has the power to order a re-trial, it is a jurisdiction which should be exercised only in exceptional

cases and with caution. It should only be done in cases where the alleged offence is of a serious character. If, however, a Judge comes to the opinion that there has been a miscarriage of justice, where, for instance, the lower Court has misquoted the evidence or where, having evidence before it which *prima facie* is reasonable and credible, the Judge of that Court gives no grounds whatever for rejecting it, in instances such as that, there may well arise an inference either that the Judge has not acted with that propriety and care which is required in the decision of every case, be it civil or be it criminal. In such a case it would appear to be proper, after due examination of the facts, to make an order for re-trial.

On the evening of the 26th of September 1920, one Nand Ram, a *zamindar*, was riding home. On that evening he was grievously assaulted and as a result of that assault was unconscious for four days The most important feature in the case is that, whilst he was unconscious, one Abhey Ram was arrested because he (Abhey Ram), according to the statement of one Harnam, was seen by him to be just behind Nand Ram on the road within a few moments of the assault. Harnam heard the cries of Nand Ram almost immediately after. The evidence of Nand Ram shows that Abhey Ram came up from behind. At the time when Harnam was Nand Ram on the road and Abhey Ram behind him, he did not know the name of Abhey Ram but he knew him to be a resident of an adjacent village. Harnam gave a statement to the Police and, as a consequence, Abhey Ram and his caste-fellows of that village paraded before Harnam who without hesitation picked out Abhey Ram as the man whom he had seen on the road. He did this on the 27th of September at a time when Nand Ram was still unconscious. As a consequence, Abhey Ram was arrested. Two days later, on the 29th, Nand Ram regained consciousness and mentioned his assailants at once as being Khazan and Abhey Ram. The learned Sessions Judge does not suggest any reason whatever for disbelieving Nand Ram or Abhey Ram. Two *Chamars* say that, immediately before the occurence, they saw Khazan, one of the accused, standing quite close to what became afterwards the scene of the occurrence; and another witness, Dharma, said that he saw both Khazan and Abhey Ram returning together to the village at a time which would be after the occurrence. Throughout the whole of his judgment the learned Sessions Judge gives no reason whatever for discrediting these witnesses. Nothing was said in cross-examination to impugn their veracity; and on a question of alleged enmity between Abhey Ram and Nand Ram, though in fact the cause of enmity may have been very slight, nevertheless, the learned Judge put the reason for the enmity as something which had happened a "good many years ago." That was a manifest error, because if there was any enmity it had arisen only a short time before. In these circumstances, I am of opinion, that this is one of those rare and exceptional cases where a new trial should be ordered. The accused put up as a defence a denial of all knowledge of the crime.

Let the matter, therefore, be re-tried by the Additional Sessions Judge at Meerut. Although it has been necessary in deciding this case to set out the

reasons which influenced me in thinking that there should be a re-trial, the learned Additional Sessions Judge must, of course, exercise the most free and independent judgment in this matter, uncoloured by the fact that the men have once been acquitted, and equally uncoloured by the fact that the High Court has ordered a re trial. It may be that the learned Sessions Judge wholly disbelieved every thing which was said on the part of the prosecution and considered none of the witnesses worthy of credit. If so, he should have given that as a ground. The reason for a re trial is this, that on an examination of the record, as it stands, the evidence of Nand Ram and his witnesses seem to point to the fact that there has been a miscarriage of justice in a serious case, and the judgment of the Sessions Judge does not satisfactorily review the evidence.

Re trial ordered.

S. C. 61 Ind. Cas. 61.
Cr: L. J. Vol. XXII p. 337.

CALCUTTA HIGH COURT.

Criminal Revision No. 31 of 1920.

December 8, 1920.

2,20,6

Present:—Sir Lancelot Sanderson, Kt., Chief Justice, and Justice Sir Asutosh Mookerjee, Kt.

Raja NORENDRA LAL KHAN—Petitioner

versus.

AKHOY KANDAR and others—Opposite Party.

Criminal Procedure Code Section 195 (c) Sanction to prosecute.

Concurrent jurisdiction to sanction prosecution under section 195 (c) of the Court in which the offence is alleged to have been committed in the first instance and of the Court to which it is subordinate.

Rule against the order of the District Magistrate, Midnapur.

JUDGMENT.

SANDERSON, C. J.—This is a Rule calling upon the District Magistrate of Midnapur and on the opposite party to show cause why the orders of the lower Courts referred to in the petition should not be set aside and such other or further order made as to this Court may seem fit and proper. The orders

o All Correspondents to the Police Magazine.

Correspondents are requested to bear in mind the following points when preparing articles for the *Police Magazine* :—

1. Mss. should always he written on one side of the page only, with a one-third clean Margin.

2. Mss. must always he written in a clear and legible hand, if they could not be typed.

3. Articles prepared by men in the Department, will be filed and kept in the office, in case they are not published in the Journal, for purposes of future reference.

EDITOR.

SECRETARYS' APPEAL.

All Police officers in the Presidency are earnestly requested to bear in mind Dewan Bahadur Mr. P. Parankusam Naidu's advice concerning the urgency of every one of them becoming subscribers to the *Police Magazine* if they wish the Central Association, at Vellore, to live and flourish.

☞ C. SIVAPRAKASAM,
Secretary.

Wonderful Predictions.

Your Full Annual Life Reading and a Character Reading cost only a Rupee. State your time and date of birth or your star and age or time of writing letter along with your place of birth. Results more accurate and striking. Have a trial and be convinced :—

Your five years' Reading costs Rs. 2-8-0.
Your Extensive Life Reading costs Rs 8-0-0.

Apply to :—THE GREAT INDIAN ASTROLOGICAL HALL,
P. O. **KASIMKOTA. Vizag Dt.** (*S. India.*)

Rare Books for Sale.

Sangili Karuppan, by C. P. Sarathy: A Romance of South India, most tellingly told. Price As. 12. V. P. Charges extra.

Thirup-pughal (In Tamil). The moving, mellifluous hymns of Arunachella Swamigal printed on good 24 lbs. Double Crown paper.
Price As. 9. V. P. Charges extra.

Materia Medica (In Tamil,) by T.R. Arunachella Mudaliar. A most useful guide and director for every house-hold.
Price As. 12. V. P. Charges extra.

Please Apply to:— THE PROPRIETOR,
Victoria Press, **VELLORE.**

The Police Magazine.

(*FOUNDED IN JULY 1921*).

A Monthly Periodical containing not less than six forms of reading matter on topics of interest to Police officers. Though meant primarily as an organ of the Sub-Inspectors of the Madras Presidency, yet its scope includes all kinds of Police work and administration concerning all Police officers in the service of the State. The Journal is owned by and is published under the auspices of the Madras Police Sub-Inspectors' Central Association, Vellore.

			Rs.	A.	P.
Annual Subscription	....	....	6	0	0.
Half Yearly	....	....	3	0	0.
Single Copy	....	....	0	8	0.

These rates are exclusive of charges incurred in despatching copies by value payable M. O. Subscription, whether for the year or half year, is strictly payable in advance.

TO ADVERTISERS.

The Journal Circulates among 2,000 Police officers of the Presidency and is a useful medium of advertisement.

RATES.

Rs. 12 per page per mensem, and proportionate rates for ½ and ¼ page Contract rates on application.

For further Particulars apply to :—

The SECRETARY,
Police Sub-Inspectors' Central Association,
VELLORE.